THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25904 OF 2005

Dated: 06-12-2005

Between

Rasala Venkatesh Yadav, S/o. Dhanaiah, Occ: Agriculture, Member of Ward No.5, R/o. 4-10, Boduppal Village, Ghatkesar Mandal, Ranga Reddy District.

…PETITIONER

AND

Government of Andhra Pradesh, rep. by its Secretary, Panchayat Raj & Rural Development Department, Secretariat, Hyderabad and another.

…RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the Resolution Nos.5/2 and 5/3 dated 28.10.2005 of the second respondent – Gram Panchayat as arbitrary and illegal.

Learned counsel for the petitioner submits that as against the resolution passed by the second respondent in its general body meeting held on 28.10.2005 for collection of betterment charges and donation towards water tap connection a revision has been filed before the first respondent dated 26.11.2005 along with an application to suspend the said resolution.

Petitioner questions the said resolutions passed by the second respondent as illegal and arbitrary on the ground that the said amount fixed for collection of betterment charges and donation is contrary to the Rule 25 of Andhra Pradesh Gram Panchayat Land Development (Layout And Building) Rules, 2002 as well as the provisions of the Andhra Pradesh

Panchayat Raj Act, 1994.

As the revision is pending before the first respondent, I am of the opinion that it is just and proper to direct the first respondent to consider and dispose of the revision as expeditiously as possible. However, as the suspension application is also pending the first respondent may consider and dispose of the same after giving reasonable opportunity to the petitioner and the second respondent within six weeks from the date of receipt of this order.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 6, 2005

DSK